

Minority Business Enterprise
Prime Regulation
Q&A

For purposes of clarifying the requirements relating to the new MBE forms, we have provided several examples. All examples are subject to the information contained in the instructions that accompany GOMA's MBE Utilization and Fair Solicitation Affidavit and MBE Participation Schedule standard form, as well as Title 14, Subtitle 3 of the State Finance and Procurement Article of the Maryland Annotated Code and 21.11.03 of the Code of Maryland Regulations, as updated from time to time.

Please note that requirements to meet the MBE participation overall goal and subgoals are distinct and separate. An MBE prime may meet or exceed the overall goal if it counts its own participation but may still need to request a waiver if it is unable to meet one or more of the subgoals it is not self-performing or the remainder of the overall goal that it is not self-performing.

For all of these examples, please note that each of the MBE firms listed on the MBE Participation Schedule (including the MBE prime) must be properly certified to perform the scope of work and must be performing a commercially useful function. Failure to meet the overall goal and/or any subgoals is subject to waiver and good faith efforts requirements. Please refer to Sections 4 and 5 of the MBE Utilization and Fair Solicitation Affidavit and MBE Participation Schedule and the information included in the Waiver Guidance.

GOMA's MBE solicitation forms can be found on our website at
<http://goma.maryland.gov/Pages/Reporting-Tool-MBE.aspx>

Example 1: IT Services contract example

Established goals for Example 1 contract:

18% overall MBE Participation goal

No subgoals

(Contract less than \$200,000)

A Hispanic firm can count its self-performed work up to 9% of the overall goal and must meet the additional 9% with other MBE firms or request a waiver.

Self-perform (Hispanic Firm)

9% overall self-perform

9% (all minority classifications)

18% commitment

Example 1: IT Services contract example

Established goals

18% overall MBE participation goal

No subgoals

(Contract less than \$200,000)

MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT & MBE PARTICIPATION SCHEDULE

4. MBE Participation Schedule

Set forth below are the (i) certified MBEs I intend to use, (ii) the percentage of the total Contract amount allocated to each MBE for this project and, (iii) the items of work each MBE will provide under the Contract. I have confirmed with the MDOT database that the MBE firms identified below (including any self-performing MBE prime firms) are performing work activities for which they are MDOT certified.

Prime Contractor	Project Description	Project/Contract Number
IT Consultant MBE, Inc.	General IT Consulting Services	2015-001

LIST INFORMATION FOR EACH CERTIFIED MBE FIRM YOU AGREE TO USE TO ACHIEVE THE MBE PARTICIPATION GOAL AND SUBGOALS, IF ANY. **MBE PRIMES:** PLEASE COMPLETE BOTH SECTIONS A AND B BELOW.

SECTION A: For MBE Prime Contractors ONLY (including MBE Primes in a Joint Venture)

MBE Prime Firm Name: IT Consultant MBE Inc. MBE Certification Number: XX-XXXX (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input checked="" type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of total Contract Value to be performed with own forces and counted towards the MBE overall participation goal (up to 50% of the overall goal): 9% Percentage of total Contract Value to be performed with own forces and counted towards the subgoal, if any, for my MBE classification (up to 100% of not more than one subgoal): N/A Description of the Work to be performed with MBE prime's own forces: General IT Consulting Services
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SECTION B: For all Contractors (including MBE Primes and MBE Primes in a Joint Venture)

MBE Firm Name: Website Design Services, Inc. MBE Certification Number: XX-XXXX (If dually certified, check only one box.) <input checked="" type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of Total Contract to be performed by this MBE: 9% Description of the Work to be Performed: Website Design Services, Inc.
MBE Firm Name: MBE Certification Number: (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of Total Contract to be performed by this MBE: Description of the Work to be Performed:

Example 2: Construction contract example

Established goals

27% overall MBE participation goal
7% African-American subgoal
4% Asian-American subgoal

An African-American MBE prime can use the value of the work performed by its own forces to meet up to 13.5% of the overall goal, which includes the 7% African-American subgoal.

The MBE prime would have to meet the remaining 4% Asian-American subgoal or request a waiver and would have to meet the remaining 9.5% balance (13.5% minus the 4% performed by the Asian-American firm) of the overall goal using other certified MBE firms or request a waiver.

Self-perform (African-American MBE firm)

13.5% overall self-perform (includes 7% African-American subgoal)
4.0% for Asian-American
9.5% any other MBE firm (all minority classifications, including African-American and Asian)
27% commitment

Example 2: Construction contract example

Self-perform (African-American MBE firm)

13.5% overall self-perform (includes 7% African-American subgoal)

4.0% for Asian-American

9.5% any other MBE firm (all minority classifications, including African-American and Asian)

27% commitment

MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT & MBE PARTICIPATION SCHEDULE

5. MBE Participation Schedule

Set forth below are the (i) certified MBEs I intend to use, (ii) the percentage of the total Contract amount allocated to each MBE for this project and, (iii) the items of work each MBE will provide under the Contract. I have confirmed with the MDOT database that the MBE firms identified below (including any self-performing MBE prime firms) are performing work activities for which they are MDOT certified.

Prime Contractor	Project Description	Project/Contract Number
General Contractor MBE, Inc.	General Construction	2015-002

LIST INFORMATION FOR EACH CERTIFIED MBE FIRM YOU AGREE TO USE TO ACHIEVE THE MBE PARTICIPATION GOAL AND SUBGOALS, IF ANY. **MBE PRIMES:** PLEASE COMPLETE BOTH SECTIONS A AND B BELOW.

SECTION A: For MBE Prime Contractors ONLY (including MBE Primes in a Joint Venture)

MBE Prime Firm Name: General Contractor MBE Inc. MBE Certification Number: XX-XXXX (If dually certified, check only one box.) <input checked="" type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of total Contract Value to be performed with own forces and counted towards the MBE overall participation goal (up to 50% of the overall goal): 13.5% Percentage of total Contract Value to be performed with own forces and counted towards the subgoal, if any, for my MBE classification (up to 100% of not more than one subgoal): 7% Description of the Work to be performed with MBE prime's own forces: General Contractor for renovation project
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SECTION B: For all Contractors (including MBE Primes and MBE Primes in a Joint Venture)

MBE Firm Name: Painting Firm, Inc. MBE Certification Number: XX-XXXX (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input checked="" type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of Total Contract to be performed by this MBE: 6% Description of the Work to be Performed: Painting Services
MBE Firm Name: Carpet and Tile Firm, Inc. MBE Certification Number: XX-XXXX (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input checked="" type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of Total Contract to be performed by this MBE: 7.5% Description of the Work to be Performed: Furnish and install carpet and tile.

Example 3: Services contract example

Established goals

30% overall MBE participation goal
7% African-American subgoal
4% Asian-American subgoal
12% Women-owned subgoal

A dually-certified Asian-American/Women-owned MBE can use up to 15% of the value of the work performed by its own forces towards fulfillment of the overall goal, which could include: (a) up to 4% of the Asian American subgoal, OR (b) up to 12% of the women-owned subgoal. Because it is dually-certified, the company can be designated as only ONE of the MBE classifications (Asian American or women-owned) but can self-perform up to 100% of the stated subgoal for the single classification it selects. The bullets below further explain how these options might be exercised by this dually certified MBE prime:

Option 1: Although the MBE prime is allowed to meet up to 50% of the overall goal (in this example 15%) with the work performed by its own forces as an Asian-American firm, the MBE prime must still subcontract with other MBE firms and meet the remaining 7% African-American subgoal and the 12% women-owned subgoal or request a waiver for any subgoal it cannot meet. The MBE Prime could choose to exceed the overall goal by committing to a higher 34% overall goal and both subgoals (15% + 7% + 12% = 34%).

Self-perform (Asian American MBE) - Exceeding goal

15% overall self-performed work (includes 4% Asian-American subgoal)
7% for African-American
12% for women-owned
34% commitment

Option 2: The MBE prime could choose to self perform 11% instead of the maximum 15% overall goal to stay within the established 30% overall goal.

Self-perform (Asian American MBE) - Meeting goal

11% overall self-performed work (includes 4% Asian-American subgoal)
7% for African-American
12% for women-owned
30% commitment

Option 3: As another option, the MBE prime can self-perform the full 15% as a women-owned firm and then would have to meet both the remaining 7% African-American subgoal and the 4% Asian-American subgoal and the remaining balance of the overall goal (4%) with other MBE firms or a request a waiver.

Self-perform (Women-owned MBE)

15% overall self (includes 12% women-owned subgoal)
7% for African-American
4% for Asian American
4% other MBE (all minority classifications, including African-American and Asian)
30% commitment

In all Options, the good faith efforts criteria must be met by the MBE prime with regard to achievement of the African-American and women-owned subgoals.

Example 3: Services contract example

MBA Participation overall 30% with subgoals of 7% African-American, 4% Asian-American and 12% women-owned

OPTION 1: Self-perform (Asian American MBE) – Exceeding goal

15% overall self-performed work (includes 4% Asian-American subgoal)

7% for African-American

12% for women-owned

34% commitment

MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT & MBE PARTICIPATION SCHEDULE

6. MBE Participation Schedule

Set forth below are the (i) certified MBEs I intend to use, (ii) the percentage of the total Contract amount allocated to each MBE for this project and, (iii) the items of work each MBE will provide under the Contract. I have confirmed with the MDOT database that the MBE firms identified below (including any self-performing MBE prime firms) are performing work activities for which they are MDOT certified.

Prime Contractor	Project Description	Project/Contract Number
Services, Inc.	Marketing Consulting Services	2015-003

LIST INFORMATION FOR EACH CERTIFIED MBE FIRM YOU AGREE TO USE TO ACHIEVE THE MBE PARTICIPATION GOAL AND SUBGOALS, IF ANY. MBE PRIMES: PLEASE COMPLETE BOTH SECTIONS A AND B BELOW.

SECTION A: For MBE Prime Contractors ONLY (including MBE Primes in a Joint Venture)

MBE Prime Firm Name: Services Inc. MBE Certification Number: XX-XXXX (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input checked="" type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of total Contract Value to be performed with own forces and counted towards the MBE overall participation goal (up to 50% of the overall goal): 15% Percentage of total Contract Value to be performed with own forces and counted towards the subgoal, if any, for my MBE classification (up to 100% of not more than one subgoal): 4% Description of the Work to be performed with MBE prime's own forces: Marketing Consulting Services
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SECTION B: For all Contractors (including MBE Primes and MBE Primes in a Joint Venture)

MBE Firm Name: Outreach Firm, Inc. MBE Certification Number: XX-XXXX (If dually certified, check only one box.) <input checked="" type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of Total Contract to be performed by this MBE: 7% Description of the Work to be Performed: Community outreach
MBE Firm Name: Printing Services, Inc. MBE Certification Number: XX-XXXX (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input checked="" type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of Total Contract to be performed by this MBE: 12% Description of the Work to be Performed: Printing Services

Example 3: Services contract example

MBA Participation overall 30% with subgoals of 7% African-American, 4% Asian-American and 12% women-owned

OPTION 2: Self-perform (Asian American MBE) – MBA Participation Goal – 30% - Meeting goal

11% overall self-performed work (includes 4% Asian-American subgoal)

7% for African-American

12% for women-owned

30% commitment

MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT & MBE PARTICIPATION SCHEDULE

7. MBE Participation Schedule

Set forth below are the (i) certified MBEs I intend to use, (ii) the percentage of the total Contract amount allocated to each MBE for this project and, (iii) the items of work each MBE will provide under the Contract. I have confirmed with the MDOT database that the MBE firms identified below (including any self-performing MBE prime firms) are performing work activities for which they are MDOT certified.

Prime Contractor	Project Description	Project/Contract Number
Services, Inc.	Marketing Consulting Services	2015-003

LIST INFORMATION FOR EACH CERTIFIED MBE FIRM YOU AGREE TO USE TO ACHIEVE THE MBE PARTICIPATION GOAL AND SUBGOALS, IF ANY. MBE PRIMES: PLEASE COMPLETE BOTH SECTIONS A AND B BELOW.

SECTION A: For MBE Prime Contractors ONLY (including MBE Primes in a Joint Venture)

MBE Prime Firm Name: Services Inc. MBE Certification Number: XX-XXXX (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input checked="" type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of total Contract Value to be performed with own forces and counted towards the MBE overall participation goal (up to 50% of the overall goal): 11% Percentage of total Contract Value to be performed with own forces and counted towards the subgoal, if any, for my MBE classification (up to 100% of not more than one subgoal): 4% Description of the Work to be performed with MBE prime's own forces: Marketing Consulting Services
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SECTION B: For all Contractors (including MBE Primes and MBE Primes in a Joint Venture)

MBE Firm Name: Outreach Firm, Inc. MBE Certification Number: XX-XXXX (If dually certified, check only one box.) <input checked="" type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of Total Contract to be performed by this MBE: 7% Description of the Work to be Performed: Community outreach
MBE Firm Name: Printing Services, Inc. MBE Certification Number: XX-XXXX (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input checked="" type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of Total Contract to be performed by this MBE: 12% Description of the Work to be Performed: Printing Services

Example 3: Services contract example

MBA Participation overall 30% with subgoals of 7% African-American, 4% Asian-American and 12% women-owned

OPTION 3: Self-perform (women-owned MBE)

15% overall self-performed work (includes 12% woman-owned subgoal)

7% for African-American

4% for Asian-American

4% Other MBE firms (all minority classifications, including African-American and Asian)

30% commitment

MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT & MBE PARTICIPATION SCHEDULE

8. MBE Participation Schedule

Set forth below are the (i) certified MBEs I intend to use, (ii) the percentage of the total Contract amount allocated to each MBE for this project and, (iii) the items of work each MBE will provide under the Contract. I have confirmed with the MDOT database that the MBE firms identified below (including any self-performing MBE prime firms) are performing work activities for which they are MDOT certified.

Prime Contractor	Project Description	Project/Contract Number
Services, Inc.	Marketing Consulting Services	2015-003

LIST INFORMATION FOR EACH CERTIFIED MBE FIRM YOU AGREE TO USE TO ACHIEVE THE MBE PARTICIPATION GOAL AND SUBGOALS, IF ANY. MBE PRIMES: PLEASE COMPLETE BOTH SECTIONS A AND B BELOW.

SECTION A: For MBE Prime Contractors ONLY (including MBE Primes in a Joint Venture)

MBE Prime Firm Name: Services Inc. MBE Certification Number: XX-XXXX (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input checked="" type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of total Contract Value to be performed with own forces and counted towards the MBE overall participation goal (up to 50% of the overall goal): 15% Percentage of total Contract Value to be performed with own forces and counted towards the subgoal, if any, for my MBE classification (up to 100% of not more than one subgoal): 12% Description of the Work to be performed with MBE prime's own forces: Marketing Consulting Services
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SECTION B: For all Contractors (including MBE Primes and MBE Primes in a Joint Venture)

MBE Firm Name: Outreach Firm, Inc. MBE Certification Number: XX-XXXX (If dually certified, check only one box.) <input checked="" type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of Total Contract to be performed by this MBE: 7% Description of the Work to be Performed: Community outreach
MBE Firm Name: Printing Services, Inc. MBE Certification Number: XX-XXXX (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input checked="" type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of Total Contract to be performed by this MBE: 4% Description of the Work to be Performed: Printing Services
MBE Firm Name: IT Services, Inc. MBE Certification Number: XX-XXXX (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input checked="" type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of Total Contract to be performed by this MBE: 4% Description of the Work to be Performed: General IT Services